

**HARB Appeal Hearing**  
**118 South 5th Street**  
**Council Chambers**  
**Monday, December 5, 2011**  
**5 p.m.**

Mr. Spencer, President of Council, called the hearing to order and stated that the purpose of this hearing is to take testimony regarding the appeal of the HARB denial for the installation of composite windows at 118 South 5<sup>th</sup> Street. He explained the hearing procedure.

**Attending:** City Councilors Spencer, Waltman, Sterner, Reed, Goodman-Hinnershitz, Acosta, Marmarou, City Clerk Kelleher, City Solicitor Younger, Historic Preservation Specialist Johnson.

Mr. Spencer asked Mr. Younger to conduct the hearing.

**I. Testimony from Applicant** (No more than 10 minutes)  
**Ed and Heather Hanna, owners of 118 South 5<sup>th</sup> Street.**

Mrs. Hanna distributed a description of the process she followed to find a suitable replacement window or seek repair services for the windows. She also distributed photographs of the current windows. She explained that after repairing the roof the damaged windows continued to cause water damage inside the property. She stated that when she consulted with masonry tradesmen, she was advised to replace the windows before addressing the masonry issues.

Ms. Hanna stated that she began discussing the need for replacement windows with Ms. Johnson, who provided a list of contractors experienced in working within historic districts. She stated that she also called additional contractors. She said that very few companies provided an estimate. She stated that all companies who responded said that they could not provide wooden windows due to the large size of the windows, the transoms over the windows and the inferior wood currently available from suppliers.

Ms. Hanna described the photographs of the damaged windows and the interior damage created by the windows, previously circulated.

Ms. Hanna stated that she rejected the vinyl replacement application submitted by one contractor because she did not like the design and she believed it would be rejected by the HARB. However, Anderson Windows submitted a replacement window made of composite material. She submitted this proposal to Ms. Johnson, who submitted it to the HARB Executive Committee for review. She learned on the day of the October HARB hearing that the proposal would be considered. She stated that she was dissatisfied with the HARB

decision and appealed the decision to Council.

### **Council Cross Examination**

Ms. Reed asked Ms. Hanna when the water damage began. Ms. Hanna stated that the water damage began in 2006. She stated that after roof repairs were made but the water damage around the windows continued. She explained that the window frames are severely damaged.

Ms. Reed inquired if the copper bay window on the first floor would be affected. Ms. Hanna stated the copper bay window will not be changed. She added that the copper bay window was added in the early 1900's.

Ms. Goodman-Hinnershitz inquired about that guidelines set out by the Secretary of the Interior. Ms. Hanna read the guidelines which allow the substitution of in-kind window materials in certain circumstances. She stated that she looked at various window types to find the most similar style, color and capping. She noted that Anderson Windows has extensive experience with working in historic districts and with historic regulations.

Mr. Sterner asked Ms. Hanna when she began considering replacing the windows. Ms. Hanna stated that she began looking at replacement windows in 2008-09. She stated that she began speaking with Ms. Johnson about the window project in early 2011.

Dr. Hanna stated that of all the contractors contacted, only three (3) submitted estimates; two (2) for vinyl replacement windows and the third by Anderson using composite material windows.

### **Testimony from City Staff**

Ms. Johnson stated that she spoke with Ms. Hanna multiple times about the project. She stated that the HARB revised their policies in 2010 regarding window replacements after the Pa. Historic and Museum Commission (PHMC) told the HARB that their replacement window policy was too lenient as they allowed the use of alternate materials rather than wood. She distributed the updated policies showing that in-kind materials must be used. She noted the high integrity rating of this property.

Ms. Hanna displayed the sample composite window. Mr. Sterner noted that the window is similar in appearance to wood.

Ms. Goodman-Hinnershitz, after reviewing the policies distributed by Ms. Johnson and Ms. Hanna, stated that the Secretary of the Interior Guidelines prohibit only the use of vinyl and metal replacement windows. She stated that windows made of composite material are not prohibited.

Ms. Johnson agreed and noted that the HARB has never considered allowing a window made of composite material.

Ms. Reed inquired if Ms. Johnson provided a list of contractors experienced with historic districts. Ms. Johnson confirmed that a list was presented to Ms. Hanna.

Ms. Reed inquired about the repercussions that could occur if Council steps away from the HARB policies. Ms. Johnson stated that Council is free to make a decision based on the merits of the case; however, the HARB must make their decisions based on the guidelines alone.

Mr. Acosta advised Ms. Johnson that she should not rely on electronic communications alone and suggested that a letter to applicants regarding their hearing dates should be mailed in addition to electronic mail. He also noted the difficulty using in-kind materials in today's world.

Mr. Acosta inquired about the budget for this project. Ms. Hanna stated that installing composite windows in the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the property would cost \$19K.

Mr. Waltman noted that at times a property owner may not be able to find a suitable application and suggested that HARB work to find some level of compromise with the applicant. Ms. Johnson stated that a compromise was not possible at the hearing because drawings were not provided.

Mr. Sterner noted that the windows on the 3<sup>rd</sup> floor have storm windows. Ms. Hanna stated that those windows will be replaced.

Mr. Acosta inquired if Ms. Johnson would be willing to compromise. Ms. Johnson stated that she alone cannot compromise with the applicant, as she is present to convey the HARB's position.

Mr. Acosta requested drawings and photographs of the new windows. Ms. Johnson stated that drawings and photographs were not provided at the hearing.

Ms. Goodman-Hinnershitz noted that specs and photographs could have achieved a different result.

## **Other Testimony**

Darryl Hodge, representing Anderson Windows, described his experience in working in historic districts and the varying alternatives that are allowed. He explained the difficulties in

using wood in this situation. He stated that if wood windows were created for this home, they would not be functional due to the size of the windows. He also stated that due to the current poor quality of the available wood, the wooden windows would not be a permanent solution. He described the composite window specs. He stated that only the window openings would be addressed.

### **Rebuttal from Applicant**

Ms. Hanna stated that she was never told to bring drawings or photographs of the windows to the hearing. She again explained the difficulty in obtaining estimates. Dr. Hanna agreed that this project has been very difficult.

Ms. Hanna stated that composite materials are not addressed in the Standards from the Secretary of the Interior. She stated that composite materials are permitted in certain circumstances.

### **Public Comment**

Mr. Spencer opened the floor for public comment. No one came forward to speak. The public comment period was closed.

Mr. Spencer announced that the decision for this appeal will be made by resolution at the December 28<sup>th</sup> regular meeting of Council.

The hearing was adjourned.

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*